

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 06-160
)	Judge Joy Flowers Conti/
JEFFREY BEARD, Secretary of)	Magistrate Judge Amy Reynolds Hay
Corrections (individual capacity); JOHN S.)	
SHAFFER, Executive Deputy Secretary)	
(individual capacity); WILLIAM S.)	
STICKMAN, Deputy Secretary;)	
RAYMOND J. SOBINA, Supervisory)	
Superintendent/Western Region; ALAN B.)	
FOGEL, Bureau of Health Care & Food)	
Services Director; HARRY E. WILSON,)	
Superintendent at S.C.I. Fayette; ROBERT)	
TRETINIK, Corrections Health Care)	
Administrator at S.C.I. Fayette; MICHAEL)	
SCRIBNER, Food Services Manage II at)	
S.C.I. Fayette; TOM MORAN, Food)	
Services Supervisor at S.C.I. Fayette;)	
DAVID SWEITZER, Food Services)	
Supervisor at S.C.I. Fayette; MICHAEL)	
HERBIK, D.O. at S.C.I. Fayette; ADAM)	
EBELMAN, State Medical Director for)	
S.C.I. Fayette; PRISON HEALTH)	
SERVICES INC. FOR S.C.I. FAYETTE,)	
Defendants.)	

ORDER

AND NOW, this 18th day of May, 2007, after the plaintiff, Richard Young, filed an action in the above-captioned case, and after defendants Dr. Adam Ebelman, Dr. Michael Herbik, and Prison Health Services, Inc., filed a motion to dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been

filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss filed by defendants Dr. Adam Ebelman, Dr. Michael Herbik, and Prison Health Services, Inc. [Dkt. No. 23] is granted as to plaintiff's procedural due process claims and denied in all other respects. IT IS FURTHER ORDERED that, pursuant to the Prison Litigation Reform Act, plaintiff's claim that his food is prepared and cooked by prisoners thereby violating the Eighth Amendment is dismissed for failure to state a claim.

/s/ Joy Flowers Cont
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Richard Young
EP-8117
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

Kathryn Kenyon, Esq.
Pietragallo, Bosick & Gordon
One Oxford Centre
38th Floor
Pittsburgh, PA 15219

Mary Lynch Friedline, Esquire
Office of the Attorney General
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219